

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-239 (SLR)
	)	
CIBA VISION CORP.,	)	
	)	
Defendant.	)	

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
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**OBJECTIONS OF BAUSCH & LOMB INCORPORATED  
TO THE PRODUCTION OF DOCUMENTS BY CIBA VISION CORP.  
FROM RELATED LITIGATIONS**

Pursuant to this Court's Order dated July 25, 2007, Bausch & Lomb Incorporated ("B&L") files the following objections to the production of Bausch & Lomb Incorporated's documents from related litigation that are in the possession of CIBA Vision Corporation ("CIBA").

B&L has engaged in litigation with CIBA over silicone hydrogel lenses in at least five jurisdictions including United States District Court for the Western District of New York in Rochester, United States District Court for the Northern District of Georgia in Gainesville, United States District Court for the District of Delaware, the Australian Federal Courts in Melbourne, Australia and courts in Germany. In one or more of the various litigations, at one time or the other, B&L has produced in excess of 100 Bankers boxes of documents for inspection and copying by CIBA. CIBA in turn elected to copy ALL of the documents which B&L produced. The overwhelming majority of the documents were produced in accordance

with a protective order and agreement which only permitted CIBA's trial counsel to initially review those documents.

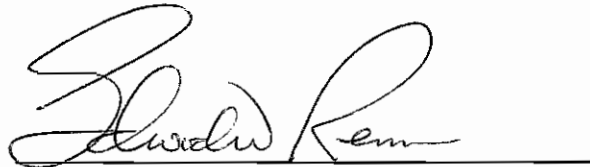
After discovery in Australia and the United States, trials were held in Melbourne, Australia; Wilmington, Delaware; and Gainesville, Georgia. Bausch & Lomb has NO objection to CIBA producing to CooperVision any B&L documents marked Confidential by B&L that were actually used and placed in evidence in the trials in Melbourne, Australia; Wilmington, Delaware; and Gainesville, Georgia. It is Bausch & Lomb's belief that both B&L and CIBA, after having scoured through the over 100 boxes of documents produced by B&L, selected for use at the trial in those jurisdictions any and all B&L documents that related to the validity of the patents in suit.

To the extent that CooperVision believes that B&L or CIBA may somehow have missed a material, relevant document in Bausch & Lomb's document production which was NOT used at trial and placed in evidence in the various litigation, B&L has no objection to CooperVision's trial counsel only inspecting the B&L documents, which B&L has produced to CIBA and which are in CIBA's possession. B&L would thereafter be willing to discuss the production of any such document, possibly in redacted form, that CooperVision wishes to use in this litigation with CIBA Vision. Bausch & Lomb would like to note that many of the documents in CIBA's possession include decades of monthly reports reporting on many projects, the majority of which are completely unrelated to silicone hydrogel lenses and/or contact lenses at all.

If this is acceptable to CooperVision, B&L requests that CooperVision prepare and submit to Bausch & Lomb a suitable protective order in a proper jurisdiction to permit it to review those documents that it wishes to review in CIBA's possession that have not previously

been made a part of a trial record in Australia, Wilmington or Gainesville to Bausch & Lomb's counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward W. Remus", written over a horizontal line.

Edward W. Remus  
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500 West Madison Street, 34<sup>th</sup> Floor  
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August 7, 2007

*Attorneys for Third Party  
Bausch & Lomb Incorporated*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,	)	
	)	
Plaintiff,	)	
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	)	
CIBA VISION CORP.,	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE**

PLEASE TAKE NOTICE that true and correct copies of:

**Objections of Bausch & Lomb Incorporated to the Production of Documents  
by CIBA Vision Corp. from Related Litigations**

were caused to be served on August 7, 2007 upon the following counsel of record by First Class  
U.S. Mail:

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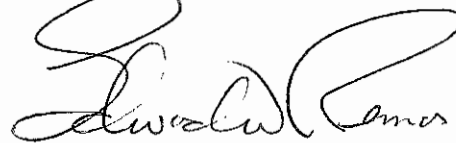
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August 7, 2007

McANDREWS, HELD & MALLOY, LTD.

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*Attorneys for Third Party  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 7, 2007, he caused the foregoing to be filed by Federal Express with the Clerk of the Court. I also certify that copies were caused to be served on August 7, 2007, by First Class U.S. Mail:

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